

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

IN RE: NEW ENGLAND COMPOUNDING)
PHARMACY, INC., PRODUCTS LIABILITY)
LITIGATION)
) MDL No.: 2419
) Master Docket No.: 1:13-md-2419-FDS
_____)
THIS DOCUMENT RELATES TO:)
)
_____)
All Actions Against St. Thomas Neurosurgical)

**PLAINTIFFS' STEERING COMMITTEE'S MOTION TO COMPEL
COMPLIANCE WITH SUBPOENA TO MICHAEL O'NEAL**

The Plaintiffs' Steering Committee ("PSC") hereby moves the Court to enter an order that Michael O'Neal to comply with a subpoena issued to him by the PSC under Fed. R. Civ. P.

45. The PSC requests that the Court's order compel O'Neal (1) to testify and to produce complete records for the time frame prior to April 12, 2011 without objection, (2) to testify and to produce records that do not fall within the Tennessee Quality Improvement Committee relative to communications after April 12, 2011; and (3) to produce a detailed privilege log for any records withheld from production.

A memorandum of support setting forth the reasons and proposed order, along with the supporting Declaration of Benjamin A. Gastel, are filed herewith.

This movant has conferred or attempted to confer with counsel for Mr. O'Neal in a good-faith effort to obtain, without court intervention, the testimony and records sought to be compelled by this motion.

Date: November 24, 2015

Respectfully submitted:

/s/ Benjamin A. Gastel
J. Gerard Stranch, IV
Benjamin A. Gastel

BRANSTETTER, STRANCH &
JENNINGS, PLLC
223 Rosa L. Parks Ave., Suite 200
Nashville, TN 37203
Telephone: 615/254-8801
Facsimile: 615/255-5419
gerards@branstetterlaw.com
beng@branstetterlaw.com

Plaintiffs' Steering Committee and TN Chair

Thomas M. Sobol
Kristen Johnson Parker
HAGENS BERMAN SOBOL SHAPIRO, LLP
55 Cambridge Parkway, Suite 301
Cambridge, MA 02142
Telephone: 617/482-3700
Facsimile: 617/482-3003
tom@hbsslaw.com
kristenjp@hbsslaw.com

Plaintiffs' Lead Counsel

Annika K. Martin
Mark P. Chalos
LIEFF CABRASER, HEIMANN & BERNSTEIN, LLP
250 Hudson Street, 8th Floor
New York, NY 10013
Telephone: 212/355-9500
Facsimile: 212/355-9592
akmartin@lchb.com
mchalos@lchb.com

Federal/State Liaison

Marc E. Lipton
LIPTON LAW
18930 W. 10 Mile Road
Southfield, MI 48075
Telephone: 248/557-1688
Facsimile: 248/557-6344
marc@liptonlaw.com

Kimberly A. Dougherty
JANET, JENNER & SUGGS, LLC

31 St. James Avenue, Suite 365
Boston, MA 02116
Telephone: 617/933-1265
kdougherty@myadvocates.com

Mark Zamora
ZAMORA FIRM
6 Concourse Parkway, 22nd Floor
Atlanta, GA 30328
Telephone: 404/451-7781
Facsimile: 404/506-9223
mark@markzamora.com

Patrick T. Fennell (VSB 40393)
CRANDALL & KATT
366 Elm Avenue, S.W.
Roanoke, VA 24016
Telephone: 540/342-2000
Facsimile: 540/400-0616
pfennell@crandalllaw.com

Plaintiffs' Steering Committee

CERTIFICATE OF SERVICE

I, Benjamin A. Gastel, hereby certify that I caused a copy of the foregoing *Plaintiffs' Steering Committee's Motion to Compel Compliance with Subpoena to Michael O'Neal* to be filed electronically via the Court's electronic filing system. Those attorneys who are registered with the Court's electronic filing system may access these filings through the Court's system, and notice of these filings will be sent to these parties by operation of the Court's electronic filing system.

Date: November 24, 2015

/s/ Benjamin A. Gastel
Benjamin A. Gastel